

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| ANTOINETTE LIGGINS, et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 4:16-CV-00413 AGF |
| v. |) | |
| |) | |
| MICHAEL COHEN, et al. |) | |
| |) | |
| Defendants. |) | |
| |) | |

AFFIDAVIT OF ROGER ENGELHARDT

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|-------------------|------|
| STATE OF MISSOURI |) |
| |) SS |
| CITY OF ST. LOUIS |) |

Before me, the undersigned authority, personally appeared, Roger Engelhardt, who, being by me duly sworn, deposed as follows:

My name is Roger Engelhardt, I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

1. I am a Lieutenant with the St. Louis Metropolitan Police Department ("SLMPD") and commander of the Force Investigation Unit ("FIU").

2. Each time a City of St. Louis police officer discharges his or her weapon, a report is produced. For example, the Police Department produces "shots fired" reports for incidents where a firearm has discharged but no suspect has been struck.

3. The FIU has been handling all officer-involved shootings since September 2014. The Homicide Unit of SLMPD handled officer-involved shootings prior to September 2014.



The FIU handles only the “shots fired” incidents in which a person is struck and others in which no one was struck as directed by the Chief of Police, which includes several cases prior to September 2014. All other “shots fired” incidents would be handled by the appropriate unit or at district and documented in that incident report. The FIU currently has in excess of thirty cases.

4. The FIU prepares a lengthy, comprehensive investigatory report for each incident in which an individual is struck by an officer’s firearm.

5. The investigation may show a variety of closed or confidential information about, e.g., confidential informants, identity of juveniles, and law enforcement sensitive information which could jeopardize current pending criminal cases.

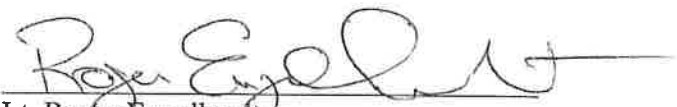
6. The investigatory reports are substantial. For example, the written portion of a FIU report typically varies in length between 150 and 400 pages. In addition, each investigation produces numerous audio and video files, photographs and other evidence.

7. I estimate that it could take FIU or other SLMPD staff up to 2 days to gather and copy the audio and visual components of just a single FIU file. Due to the constraints of the software in which the FIU reports are generated, reproducing a copy of the written portion of a single FIU report, whether it be a digital or hard copy, takes on average 2 to 3 hours. Further, once the paper portion of the report is created, the report will need to be redacted to remove the names of confidential informants, information pertaining to juveniles, and Garrity statements, if permitted by the Court. It should also be noted that some of these FIU reports also have been ordered by courts to remain under seal, e.g. Jason Stockley, ABS v. Slay et al., Cause No. 4:12-cv-00202.

8. I estimate that it would take FIU or other SLMPD staff up at least one week to prepare a single FIU file for production. I estimate in excess of 30 FIU files responsive to the Court's Order.

9. Allowing plaintiff's counsel to inspect the FIU written reports in their current digital format would require the SLMPD to provide plaintiff's counsel with access to the SLMPD's secure network. Allowing inspection of the Audio/Visual recordings related to cases from 2011 – 2014 (before the creation of the FIU) would require additional time to locate and retrieve the recordings in that they are located off site from FIU/Police Headquarters with the Property Custody Unit. Also, the FIU reports contain a variety of closed or confidential information about, e.g., confidential informants, identity of juveniles, and law enforcement sensitive information which could jeopardize current pending criminal cases that would require redaction prior to any physical inspection.

10. Twenty officer-involved shootings that have been investigated by FIU are now currently pending review with the Circuit Attorney's Office. It is now the procedure for the Circuit Attorney's Office to review all officer-involved shootings for potential criminal charges.


Lt. Roger Engelhardt

SUBSCRIBED and SWORN to before me this 24th day of January, 2017.


Notary Public

My Commission Expires: 06/24/2018

